



11-08-04

3739

CERTIFICATE OF EXPRESS MAILING

Patent Office hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop IDS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11-8-04
Date

M. Kanayan
Signature

PATENT

Attorney Docket No. 39238-0753

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

PATENT APPLICATION

Inventor(s): Roger A. Stern, et al.

Art Unit: 3739

Application No.: 10/072,475

Examiner: Peffley, Michael F.

Filed: February 6, 2002

Title: HANDPIECE FOR TREATMENT OF TISSUES

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Assignee is also the owner of related U.S. Patent No. 6,749,624 and has filed a lawsuit against Syneron Medical Ltd. and Syneron, Inc. on that patent in the United States District Court, Northern District of California, San Francisco Division, Case No. C-04-2995-CRB. Syneron has raised various defenses, including validity and enforceability defenses, to that action. Furthermore, the court conducted a preliminary injunction hearing in that case and issued an order denying the same. Various items related to the case and the preliminary injunction proceedings are submitted herewith as well as other information.

Further, Applicant submits herewith a copy of the electronic docket report from the court. Applicant will consider any request from the Examiner for any other papers mentioned therein.

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication, other documents, and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
 - ☐ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; or
 - ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
 - B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
 - C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to **Deposit Account No. 08-1641 (Docket No. 39238-0753).**

Respectfully submitted,

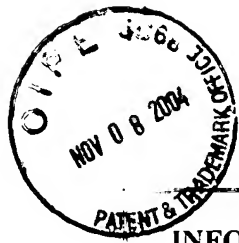
HELLER EHRMAN WHITE & MCAULIFFE LLP

By:

Paul Davis, Reg. No. 29,294

Dated:

11/8/04
275 Middlefield Road
Menlo Park, CA 94025-3506
(650) 324-7000
Customer No. 25213

**INFORMATION DISCLOSURE
STATEMENT****PTO-1449**

ATTY. DOCKET NO.

39238-0753

SERIAL NO.

10/072,475

APPLICANT STERN, ROGER A. et al.

FILING DATE 02/06/2002

GROUP: 3739

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	6,053,909	4/25/00	Shaddock	606	3	3/27/98
	6,413,253	7/2/02	Koop, et al.	606	27	11/3/98
	5,509,916	4/23/96	Taylor	606	13	8/12/94
	5,401,272	3/28/95	Perkins	606	15	2/16/94
	5,011,483	4/30/91	Sleister	606	37	6/26/89
	6,413,253	7/2/02	Koop et al.	606	27	11/3/98
	6,273,885	8/14/01	Koop et al.	606	9	8/16/98
	6,451,007	9/17/02	Koop et al.	606	9	7/29/99
	5,344,418	9/06/94	Ghaffari	606	9	12/12/91
	5,814,008	9/29/98	Chen et al.	604	21	7/29/96
	5,968,034	10/19/99	Fullmer et al.	606	9	6/24/98
	5,885,274	3/23/99	Fullmer et al.	606	9	6/24/97

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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	DE 10082526 T1	7/29/99	Germany			<input type="checkbox"/>	<input checked="" type="checkbox"/>
	WO 01/08545 A2	2/8/01	PCT	A61B		<input checked="" type="checkbox"/>	<input type="checkbox"/>
	WO 00/48644 A3	8/24/00	PCT	A61B	18/00	<input checked="" type="checkbox"/>	<input type="checkbox"/>

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Thermage, Inc., "Complaint For Patent Infringement", July 23, 2004.
	Thermage, Inc., "Motion for Preliminary Injunction", August 6, 2004.
	Thermage, Inc., "Memorandum in Support of Motion for Preliminary Injunction", August 6, 2004.
	Thermage, Inc., "Declaration of Edward A. Ebberts in Support of Motion for Preliminary Injunction" and attached exhibits A-E, August 6, 2004.

EXAMINER	DATE CONSIDERED
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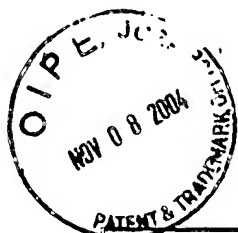
INFORMATION DISCLOSURE STATEMENT PTO-1449			ATTY. DOCKET NO. 39238-0753		SERIAL NO. 10/072,475		
			APPLICANT STERN, ROGER A. et al.				
			FILING DATE 02/06/2002		GROUP: 3739		
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	5,820,626	10/13/98	Baumgardner	606	13	7/30/96	
	5,814,040	9/29/98	Nelson et al.	606	9	5/15/95	
	5,595,568	1/27/97	Anderson et al.	606	9	2/1/95	
	5,735,844	4/7/98	Anderson et al.	606	9	4/7/98	
	6,659,999	12/9/03	Anderson et al.	606	9	6/5/00	
	5,979,454	11/9/99	Anvari et al.	128	898	6/6/97	
	6,171,301	1/9/01	Nelson et al.	606	9	11/3/97	
	5,628,744	5/13/97	Coleman et al.	606	12	12/21/93	
	5,683,380	11/4/97	Eckhouse et al.	606	19	3/29/95	
	5,810,801	11/22/98	Anderson et al.	606	9	2/5/97	
	5,885,273	3/23/99	Eckhouse et al.	606	9	2/9/96	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	Thermage, Inc. "Declaration of Dr. Maureen Reitman in Support of Motion for Preliminary Injunction" and attached Exhibits A-M, August 6, 2004.						
	Thermage, Inc. "Declaration of Dave B. Koo in Support of Motion for Preliminary Injunction" and attached Exhibits A-D, August 6, 2004.						
	Syneron Medical, Ltd., Syneron, Inc., "Declaration of Robert S. McArthur in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction" and attached Exhibits 1-25, August 17, 2004.						
	Syneron Medical, Ltd., Syneron, Inc., "Memorandum in Opposition to Plaintiff's Motion for a Preliminary Injunction", August 27, 2004.						
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U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE	
	6,248,103	6/19/01	Tannenbaum et al.	606	9	5/28/99	
	5,906,609	5/25/99	Assa et al.	606	9	2/5/97	
	5,938,657	8/17/99	Assa et al.	606	9	2/5/97	
	5,964,749	10/12/99	Eckhouse et al.	606	9	9/15/95	
	6,050,990	4/18/00	Tankovich et al.	606	9	12/4/97	
	6,090,101	7/18/00	Quon et al.	606	9	12/10/97	
	6,104,959	8/15/00	Spertell	607	101	7/31/97	
	6,168,590	1/2/01	Neev	606	9	8/11/98	
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	PATENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	Syneron Medical, Ltd., Syneron, Inc., "Declaration of Dr. Warren S. Grundfest in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction" and attached Exhibits A-F, August 27, 2004.						
	Syneron Medical, Ltd., Syneron, Inc., "Declaration of Dr. Michael Kreindel in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction" and attached Exhibit A, August 27, 2004.						
	Syneron Medical, Ltd., Syneron, Inc., "Declaration of Domenic Serafino in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction" and attached Exhibits A-C, August 27, 2004.						
	Syneron Medical, Ltd., Syneron, Inc., "Declaration of Moshe Mizrahy in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction", August 17, 2004.						
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SHEET 4 OF 9

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APPLICANT STERN, ROGER A. et al.

FILING DATE 02/06/2002

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U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	6,210,402	4/3/01	Olsen et al.	606	32	11/25/97
	6,235,024	5/22/01	Tu	606	41	6/21/99
	6,337,998	1/8/02	Behl et al.	607	101	7/14/99
	4,140,130	2/20/79	Storm, III	607	154	5/31/77
	5,948,009	9/7/99	Tu	607	96	3/6/98
	6,047,215	4/4/00	McClure et al.	607	101	3/6/98
	6,273,884	8/14/01	Altshuler et al.	606	9	5/13/98
	6,336,926	1/8/02	Goble	606	34	1/18/00

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Syneron Medical, Ltd., Syneron, Inc., "Syneron Medical Ltd.'s and Syneron, Inc.'s Answer to Complaint with Jury Demand and Declaratory Judgment, Counterclaim against Thermage, Inc.", August 27, 2004.
	Thermage, Inc., "Reply Memorandum re Motion for Preliminary Injunction", September 3, 2004.
	Thermage, Inc., "Declaration of John M. Benassi in Support of Motion for Preliminary Injunction" and attached Exhibits A-B, September 3, 2004.
	Thermage, Inc., "Declaration of Paul Davis in Support of Motion for Preliminary Injunction" and attached Exhibits A-C, September 3, 2004.

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SHEET 5 OF 9

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EXAMINER'S INITIALS	PATENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	6,500,141	12/31/02	Irion et al.	604	32	7/7/00
	6,387,089	5/14/02	Kreindel et al.	606	9	5/10/99
	5,964,749	10/12/99	Eckhouse et al.	606	9	9/15/95
	5,405,368	10/20/92	Eckhouse et al.	607	88	10/20/92

FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Thermage, Inc., "Declaration of Robert Gerberich in Support of Motion for Preliminary Injunction", September 3, 2004.
	Thermage, Inc., "Declaration of Edward W. Knowlton in Support of Motion for Preliminary Injunction", September 3, 2004.
	Thermage, Inc., "Declaration of Richard J. Meader in Support of Motion for Preliminary Injunction", September 3, 2004.
	Thermage, Inc., "Declaration of Maureen Reitman in Support of Motion for Preliminary Injunction (Supplemental)", September 3, 2004.

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Syneron Medical, Ltd., Syneron, Inc., "Motion for Leave to File Syneron's Surreply in Opposition to Preliminary Injunction Motion", September 10, 2004.
	Syneron Medical, Ltd., Syneron, Inc., "Surreply in Opposition to Thermage, Inc.'s Preliminary Injunction Motion", September 10, 2004.
	Syneron Medical, Ltd., Syneron, Inc., "Supplemental Declaration of Jill Neiman in Opposition to Preliminary Injunction Motion" and attached Exhibits A-C, September 10, 2004.
	Syneron Medical, Ltd., Syneron, Inc., "Supplemental Declaration of Warren Grundfest in Opposition to Preliminary Injunction Motion" and attached Exhibits A-B, September 10, 2004.

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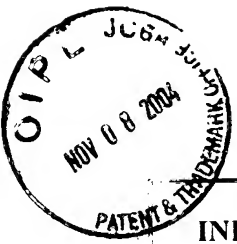
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Judge Charles R. Breyer, "Order granting Motion for Leave to File Surreply", September 13, 2004.
	Thermage, Inc., "Memorandum in Opposition re Motion for Preliminary Injunction to Syneron's Surreply", September 14, 2004.
	Judge Charles R. Breyer, "Order Regarding Questions for Oral Argument", September 16, 2004.
	Thermage, Inc., "Answer to CounterClaim", September 16, 2004.

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	Themage, Inc., "Minute Entry: Motion Hearing held on 9/17/2004 before Judge Charles R. Breyer re Motion for Preliminary Injunction", September 17, 2004.						
	Judge Charles R. Breyer, "Order denying Motion for Preliminary Injunction", September 27, 2004.						
	Judge Charles R. Breyer, "Transcript of Proceedings held on 09/17/04", October 8, 2004.						
	Anvari et al., "Dynamic Epidermal Cooling in Conjunction with Laser Treatment of Port-Wine Stains: Theoretical and Preliminary Clinical Evaluations," Lasers in Medical Studies, 10: 105-112, 1995.						
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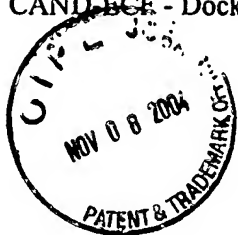
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Anvari et al., "Spatially Selective Photocoagulation of Biological Tissues: Feasibility Study Utilizing Cryogen Spray Cooling," Applied Optics, Vol. 35, No. 19, July 1, 1996.

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**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:04-cv-02995-CRB**

Thermage, Inc. v. Syneron Medical, Ltd. et al
Assigned to: Hon. Charles R. Breyer
Referred to:
Demand: \$0
Lead Docket: None
Related Cases: None
Case in other court: None
Cause: 35:271 Patent Infringement

Date Filed: 07/23/04
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

**Thermage, Inc., a Delaware
corporation**

represented by **Howard N. Wisnia**
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ATTORNEY TO BE NOTICED

V.

Defendant

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corporation**

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Email: Rmcarthur@mofo.com
ATTORNEY TO BE NOTICED

Syneron, Inc., a Delaware corporation

represented by **Jill D. Neiman**
 (See above for address)
ATTORNEY TO BE NOTICED

Robert Stephen McArthur
 (See above for address)
ATTORNEY TO BE NOTICED

Counter-claimant

Syneron Medical, Ltd., an Israeli corporation

represented by **Jill D. Neiman**
 (See above for address)
ATTORNEY TO BE NOTICED

Syneron, Inc., a Delaware corporation

represented by **Jill D. Neiman**
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Counter-defendant

Thermage, Inc., a Delaware corporation

represented by **Kevin C. McCann**
 Paul, Hastings, Janofsky & Walker LLP

55 Second Street
 Twenty-Fourth Floor
 San Francisco, CA 94105-3441
 415-856-7000
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 Email: kevinmccann@paulhastings.com
ATTORNEY TO BE NOTICED

Filing Date	#	Docket Text
07/23/2004	<u>1</u>	COMPLAINT For Patent Infringement; Demand for Jury Trial - [Summons Issued] against Syneron Medical, Ltd. & Syneron, Inc., [Filing Fee: \$150.00, Receipt Number 3362241]. Filed by Plaintiff Thermage, Inc.. (tn, COURT STAFF) (Filed on 7/23/2004) Additional attachment(s) added on 7/30/2004 (mmt, COURT STAFF). (Entered: 07/26/2004)
07/23/2004	<u>10</u>	Summons Issued as to Syneron Medical, Ltd., Syneron, Inc.. (tn, COURT STAFF) (Filed on 7/23/2004) Additional attachment(s)

		added on 7/30/2004 (mmt, COURT STAFF). (Entered: 07/26/2004)
07/23/2004	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 11/22/2004 & Initial Case Management Conference set for 4:00 p.m. on 11/29/2004. (Attachments: # <u>1</u> Standing Order).(tn, COURT STAFF) (Filed on 7/23/2004) (Entered: 07/26/2004)
07/23/2004		CASE DESIGNATED for Electronic Filing. (tn, COURT STAFF) (Filed on 7/23/2004) (Entered: 07/26/2004)
07/23/2004	<u>3</u>	REPORT on the filing or determination of an action regarding Patent Infringement. (cc: form mailed to register). (tn, COURT STAFF) (Filed on 7/23/2004) (Entered: 07/26/2004)
07/26/2004	<u>5</u>	DECLINATION to Proceed Before a United States Magistrate Judge & REQUEST for Reassignment to a United States District Court Judge Filed by Plaintiff Thermage, Inc.. (tn, COURT STAFF) (Filed on 7/26/2004) (Entered: 07/27/2004)
07/27/2004	<u>4</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (ls, COURT STAFF) (Filed on 7/27/2004) (Entered: 07/27/2004)
07/28/2004	<u>6</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Charles R. Breyer for all further proceedings. Judge Bernard Zimmerman no longer assigned to case. Signed by Executive Committee on 7/28/04. (as, COURT STAFF) (Filed on 7/28/2004) (Entered: 07/28/2004)
07/29/2004	<u>7</u>	CLERK'S NOTICE Case Management Conference set for 12/3/2004 08:30 AM. (Attachments: # <u>1</u> Order Setting Case Management Conference# <u>2</u> Standing Order) (be, COURT STAFF) (Filed on 7/29/2004) (Entered: 07/29/2004)
07/29/2004	<u>8</u>	CERTIFICATE OF SERVICE by Thermage, Inc. re [5] Declination to Proceed Before a U.S. Magistrate Judge (Cohler, Charles) (Filed on 7/29/2004) (Entered: 07/29/2004)
07/29/2004	<u>9</u>	CERTIFICATE OF SERVICE by Thermage, Inc. re <u>6</u> Order Reassigning Case, <u>7</u> Clerks Notice (Cohler, Charles) (Filed on 7/29/2004) (Entered: 07/29/2004)
08/06/2004	<u>11</u>	MOTION for Preliminary Injunction filed by Thermage, Inc.. Motion Hearing set for 9/10/2004 10:00 AM. (McCann, Kevin) (Filed on 8/6/2004) (Entered: 08/06/2004)
08/06/2004	<u>12</u>	MEMORANDUM in Support re <u>11</u> <i>Motion for Preliminary Injunction</i> filed by Thermage, Inc.. (Related document(s) <u>11</u>)

		(McCann, Kevin) (Filed on 8/6/2004) (Entered: 08/06/2004)
08/06/2004	<u>13</u>	Declaration of Edward A. Ebbers in Support of <u>11</u> <i>Motion for Preliminary Injunction</i> filed by Thermage, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E) (Related document(s) <u>11</u>) (McCann, Kevin) (Filed on 8/6/2004) (Entered: 08/06/2004)
08/06/2004	<u>14</u>	Declaration of Dr. Maureen Reitman in Support of <u>11</u> <i>Motion for Preliminary Injunction</i> filed by Thermage, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J - Part I (of III)# <u>11</u> Exhibit J - Part II (of III)# <u>12</u> Exhibit J - Part III (of III)# <u>13</u> Exhibit K# <u>14</u> Exhibit L# <u>15</u> Exhibit M)(Related document(s) <u>11</u>) (McCann, Kevin) (Filed on 8/6/2004) (Entered: 08/06/2004)
08/06/2004	<u>15</u>	Declaration of Dave B. Koo in Support of <u>11</u> <i>Motion for Preliminary Injunction</i> filed by Thermage, Inc.. (Attachments: # <u>1</u> Exhibit A - Part I (of IV)# <u>2</u> Exhibit A - Part II (of IV)# <u>3</u> Exhibit A - Part III (of IV)# <u>4</u> Exhibit A - Part IV (of IV)# <u>5</u> Exhibit B# <u>6</u> Exhibit C# <u>7</u> Exhibit D) (Related document(s) <u>11</u>) (McCann, Kevin) (Filed on 8/6/2004) (Entered: 08/06/2004)
08/06/2004	<u>16</u>	Proposed Order re <u>11</u> <i>Motion for Preliminary Injunction</i> by Thermage, Inc.. (McCann, Kevin) (Filed on 8/6/2004) (Entered: 08/06/2004)
08/06/2004	<u>17</u>	CERTIFICATE OF SERVICE by Thermage, Inc. re <u>16</u> Proposed Order, <u>11</u> MOTION for Preliminary Injunction, <u>12</u> Memorandum in Support, <u>13</u> Declaration in Support,, <u>14</u> Declaration in Support,, <u>15</u> Declaration in Support, (McCann, Kevin) (Filed on 8/6/2004) (Entered: 08/06/2004)
08/06/2004	<u>18</u>	SUMMONS Returned Executed by Thermage, Inc.. Syneron, Inc. served on 7/26/2004, answer due 8/16/2004. (McCann, Kevin) (Filed on 8/6/2004) (Entered: 08/06/2004)
08/06/2004	<u>19</u>	SUMMONS Returned Executed by Thermage, Inc.. Syneron Medical, Ltd. served on 7/26/2004, answer due 8/16/2004. (McCann, Kevin) (Filed on 8/6/2004) (Entered: 08/06/2004)
08/12/2004	<u>20</u>	STIPULATION REQUESTING EXTENSION OF TIME FOR SYNERON DEFENDANTS TO RESPOND TO COMPLAINT AND OPPOSE MOTION FOR PRELIMINARY INJUNCTION by Syneron Medical, Ltd., Syneron, Inc.. (Attachments: # <u>1</u> Proposed Order GRANTING STIPULATED REQUEST FOR EXTENSIONS OF TIME FOR SYNERON DEFENDANTS TO RESPOND TO COMPLAINT AND OPPOSE MOTION FOR PRELIMINARY

		INJUNCTION)(McArthur, Robert) (Filed on 8/12/2004) (Entered: 08/12/2004)
08/17/2004	<u>21</u>	ORDER granting extension of time for Syneron to respond. Signed by Judge Charles R. Breyer on 8/16/04. (be, COURT STAFF) (Filed on 8/17/2004) (Entered: 08/17/2004)
08/17/2004		Set/Reset Deadlines as to <u>11</u> MOTION for Preliminary Injunction. Motion Hearing set for 9/17/2004 10:00 AM. (be, COURT STAFF) (Filed on 8/17/2004) (Entered: 08/30/2004)
08/27/2004	<u>22</u>	Declaration of Robert S. McArthur <i>in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction</i> filed by Syneron Medical, Ltd., Syneron, Inc.. (Attachments: # <u>1</u> Exhibit 1 Part I# <u>2</u> Exhibit 1 Part II# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3# <u>5</u> Exhibit 4# <u>6</u> Exhibit 5# <u>7</u> Exhibit 6# <u>8</u> Exhibit 7# <u>9</u> Exhibit 8# <u>10</u> Exhibit 9# <u>11</u> Exhibit 10# <u>12</u> Exhibit 11# <u>13</u> Exhibit 12# <u>14</u> Exhibit 13# <u>15</u> Exhibit 14# <u>16</u> Exhibit 15# <u>17</u> Exhibit 16# <u>18</u> Exhibit 17# <u>19</u> Exhibit 18# <u>20</u> Exhibit 19# <u>21</u> Exhibit 20# <u>22</u> Exhibit 21# <u>23</u> Exhibit 22# <u>24</u> Exhibit 23# <u>25</u> Exhibit 24)(McArthur, Robert) (Filed on 8/27/2004) (Entered: 08/27/2004)
08/27/2004	<u>23</u>	Memorandum in Opposition to <i>Plaintiff's Motion for a Preliminary Injunction</i> filed by Syneron Medical, Ltd., Syneron, Inc.. (McArthur, Robert) (Filed on 8/27/2004) (Entered: 08/27/2004)
08/27/2004	<u>24</u>	Declaration of Dr. Warren S. Grundfest <i>in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction</i> filed by Syneron Medical, Ltd., Syneron, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F) (McArthur, Robert) (Filed on 8/27/2004) (Entered: 08/27/2004)
08/27/2004	<u>25</u>	Declaration of Dr. Michael Kreindel <i>in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction</i> filed by Syneron Medical, Ltd., Syneron, Inc.. (Attachments: # <u>1</u> Exhibit A) (McArthur, Robert) (Filed on 8/27/2004) (Entered: 08/27/2004)
08/27/2004	<u>26</u>	Declaration of Domenic Serafino <i>in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction</i> filed by Syneron Medical, Ltd., Syneron, Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(McArthur, Robert) (Filed on 8/27/2004) (Entered: 08/27/2004)
08/27/2004	<u>27</u>	Declaration of Moshe Mizrahy <i>in Support of Syneron's Opposition to Plaintiff's Motion for a Preliminary Injunction</i> filed by Syneron Medical, Ltd., Syneron, Inc.. (McArthur, Robert) (Filed on 8/27/2004) (Entered: 08/27/2004)

08/27/2004	<u>28</u>	Proposed Order <i>Denying Plaintiff's Motion for a Preliminary Injunction</i> by Syneron Medical, Ltd., Syneron, Inc.. (McArthur, Robert) (Filed on 8/27/2004) (Entered: 08/27/2004)
08/27/2004	<u>29</u>	OBJECTIONS to <i>Evidence Cited in Support of Thermage's Motion for Preliminary Injunction</i> by Syneron Medical, Ltd., Syneron, Inc.. (McArthur, Robert) (Filed on 8/27/2004) (Entered: 08/27/2004)
08/27/2004	<u>30</u>	<i>Syneron Medical Ltd.'s and Syneron, Inc.'s ANSWER to Complaint with Jury Demand and Declaratory Judgment, COUNTERCLAIM against Thermage, Inc. by Syneron Medical, Ltd., Syneron, Inc..</i> (Neiman, Jill) (Filed on 8/27/2004) (Entered: 08/27/2004)
09/03/2004	<u>31</u>	Reply Memorandum re <u>11</u> MOTION for Preliminary Injunction filed by Thermage, Inc.. (McCann, Kevin) (Filed on 9/3/2004) (Entered: 09/03/2004)
09/03/2004	<u>32</u>	Declaration of John M. Benassi in Support of <u>31</u> <i>Motion for Preliminary Injunction</i> filed by Thermage, Inc.. (Attachments: # <u>1</u> Exhibit A to Benassi Declaration# <u>2</u> Exhibit B to Benassi Declaration)(Related document(s) <u>31</u>) (McCann, Kevin) (Filed on 9/3/2004) (Entered: 09/03/2004)
09/03/2004	<u>33</u>	Declaration of Paul Davis in Support of <u>31</u> <i>Motion for Preliminary Injunction</i> filed by Thermage, Inc.. (Attachments: # <u>1</u> Exhibit A to Davis Declaration# <u>2</u> Exhibit B to Davis Declaration# <u>3</u> Exhibit C to Davis Declaration)(Related document(s) <u>31</u>) (McCann, Kevin) (Filed on 9/3/2004) (Entered: 09/03/2004)
09/03/2004	<u>34</u>	Declaration of Robert Gerberich in Support of <u>31</u> <i>Motion for Preliminary Injunction</i> filed by Thermage, Inc.. (Related document(s) <u>31</u>) (McCann, Kevin) (Filed on 9/3/2004) (Entered: 09/03/2004)
09/03/2004	<u>35</u>	Declaration of Edward W. Knowlton in Support of <u>31</u> <i>Motion for Preliminary Injunction</i> filed by Thermage, Inc.. (Related document(s) <u>31</u>) (McCann, Kevin) (Filed on 9/3/2004) (Entered: 09/03/2004)
09/03/2004	<u>36</u>	Declaration of Richard J. Meader in Support of <u>31</u> <i>Motion for Preliminary Injunction</i> filed by Thermage, Inc.. (Related document(s) <u>31</u>) (McCann, Kevin) (Filed on 9/3/2004) (Entered: 09/03/2004)
09/03/2004	<u>37</u>	Declaration of Maureen Reitman in Support of <u>31</u> <i>Motion for Preliminary Injunction (Supplemental)</i> filed by Thermage, Inc.. (Related document(s) <u>31</u>) (McCann, Kevin) (Filed on 9/3/2004) (Entered: 09/03/2004)
09/03/2004	<u>38</u>	OBJECTIONS to re <u>31</u> <i>Evidence Cited in Support of Syneron's</i>

		<i>Opposition to Motion for Preliminary Injunction</i> by Thermage, Inc.. (McCann, Kevin) (Filed on 9/3/2004) (Entered: 09/03/2004)
09/10/2004	<u>39</u>	MOTION for Leave to File <i>Syneron's Surreply in Opp'n to Prelim. Injunction Mtn.</i> filed by Syneron Medical, Ltd., Syneron, Inc.. Motion Hearing set for 9/17/2004 10:00 AM. (Attachments: # <u>1</u> Supplement Syneron's Surreply in Opp'n to Prelim. Injunction Mtn.# <u>2</u> Supplement Decl. of Jill Neiman in Opp'n to Prelim. Injunction Mtn.# <u>3</u> Exhibit A to the Decl. of Jill Neiman# <u>4</u> Exhibit B to the Decl. of Jill Neiman# <u>5</u> Exhibit C to the Decl. of Jill Neiman# <u>6</u> Supplement Supp. Decl. of Warren Grundfest in Opp'n to Prelim. Injunction Mtn.# <u>7</u> Exhibit A to the Supp. Decl. of Warren Grundfest# <u>8</u> Exhibit B to the Supp. Decl. of Warren Grundfest# <u>9</u> Proposed Order Granting Syneron Leave to File Surreply in Opposition to Plaintiff's Motion for a Preliminary Injunction)(Neiman, Jill) (Filed on 9/10/2004) (Entered: 09/10/2004)
09/10/2004	<u>40</u>	OBJECTIONS to <i>Thermage's Evidence in Reply</i> by Syneron Medical, Ltd., Syneron, Inc.. (Neiman, Jill) (Filed on 9/10/2004) (Entered: 09/10/2004)
09/13/2004	<u>41</u>	ORDER by Judge Charles R. Breyer granting <u>39</u> Motion for Leave to File Surreply (be, COURT STAFF) (Filed on 9/13/2004) (Entered: 09/14/2004)
09/14/2004	<u>42</u>	Memorandum in Opposition re <u>11</u> MOTION for Preliminary Injunction to <i>Syneron's Surreply</i> filed by Thermage, Inc.. (Cohler, Charles) (Filed on 9/14/2004) (Entered: 09/14/2004)
09/16/2004	<u>43</u>	ORDER regarding questions for oral argument. Signed by Judge Charles R. Breyer on September 16, 2004. (crblc1, COURT STAFF) (Filed on 9/16/2004) (Entered: 09/16/2004)
09/16/2004	<u>44</u>	ANSWER TO COUNTERCLAIM <u>30</u> by Thermage, Inc.. (McCann, Kevin) (Filed on 9/16/2004) (Entered: 09/16/2004)
09/17/2004	<u>45</u>	Minute Entry: Motion Hearing held on 9/17/2004 before Charles R. Breyer (Date Filed: 9/17/2004) re <u>11</u> MOTION for Preliminary Injunction filed by Thermage, Inc.. (Court Reporter Debra Pas.) (be, COURT STAFF) (Date Filed: 9/17/2004) (Entered: 09/17/2004)
09/27/2004	<u>46</u>	ORDER by Judge Charles R. Breyer denying <u>11</u> Motion for Preliminary Injunction (crblc2, COURT STAFF) (Filed on 9/27/2004) Additional attachment(s) added on 10/4/2004 (be, COURT STAFF). (Entered: 09/27/2004)
10/08/2004	<u>47</u>	TRANSCRIPT of Proceedings held on 09/17/04 before Judge Charles

		R. Breyer. Court Reporter: Debra L. Pas. (mmt, COURT STAFF) (Filed on 10/8/2004) (Entered: 10/13/2004)
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